



GARY R. HERBERT  
Governor

GREGORY S. BELL  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

February 8, 2011

CERTIFIED RETURN RECEIPT  
7004 2510 0004 1824 7371

Bruce Evans  
Nephi Sandstone Corp.  
PO Box 137  
Nephi UT 84648

Subject: Proposed Assessment for State Failure to Abate Cessation Order #. MC-2010-42-03.  
Nephi Sandstone Corp. Soma Mine, S/023/0065, Juab County, Utah

**Response Due By: 30 Days of Receipt**

Dear Mr. Evans:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the assessment officer for assessing penalties under R647-7.

Enclosed is the proposed civil penalty assessment for the above referenced cessation. The cessation was issued by Division inspector, Wayne Western on September 2, 2010. Rule R647-7-103 et. seq. has been utilized to determine the proposed penalty of \$12,000. The effective start date for this assessment was September 7, 2010, the date the citation was considered served. The time ran until September 23, 2010, the date the inspector visited the site and determined the abatement work was essentially completed. Therefore, 16 days times \$750.00 per day minimum fine results in the proposed penalty of \$12,000.

By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Cessation Order has been considered in determining the facts surrounding the violation and the amount of this penalty.

Under R647-7-106, there are two informal appeal options available to you. You may appeal the 'fact of the violation', the proposed civil penalty, or both. If you wish to informally appeal you should file a written request for an informal conference within thirty 30 days of receipt of this letter.



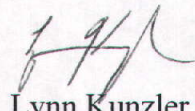


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The informal conference will be conducted by a Division-appointed conference officer. The informal conference for the fact of the violation is distinct from the informal assessment conference regarding the proposed penalty. If you wish to review both the fact of the violation and proposed penalty assessment, you should file a written request for an assessment conference within thirty (30) days of receipt of this letter. In this case, the assessment conference will be scheduled immediately following the review of the fact of the violation.

**If a timely request for review is not made, the fact of the violation will stand, the proposed penalty will become final, and will be due and payable within thirty (30) days of the date of this proposed assessment (by March 7, 2011).** Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,



Lynn Kunzler  
Assessment Officer

LK:eb  
Enclosure: Proposed assessment worksheet  
cc: Vicki Bailey, Accounting  
Vickie Southwick, Exec. Sec.  
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